

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF OKLAHOMA

ROCKING CHAIR ENTERPRISES, L.L.C.)	
d/b/a PAMELA KAY HAWKINS)	
PUBLISHING,)	
)	
Plaintiff,)	
)	
vs.)	CIV-04-487-T
)	
)	
MACERICH SCG LIMITED)	
PARTNERSHIP, et al.,)	
)	
Defendants.)	

ORDER

Before the court are plaintiff's motions to compel [Doc. Nos. 55 and 57]. By separate order filed herein, the court has granted in part and denied in part the defendants' motion for partial summary judgment. The parties previously advised the court that the ruling on the motion for partial summary judgment could resolve the issues raised in the two motions to compel. The court has reviewed the motions to compel and finds that the primary dispute regarding document production involves records which relate to plaintiff's claim for indirect profits. In the order on the motion for partial summary judgment, the court determined that plaintiff is not entitled to recover indirect profits. Accordingly, to the extent the motions to compel seek documents related to such profits, the motions [Doc. Nos. 55 and 57] must be denied as moot.

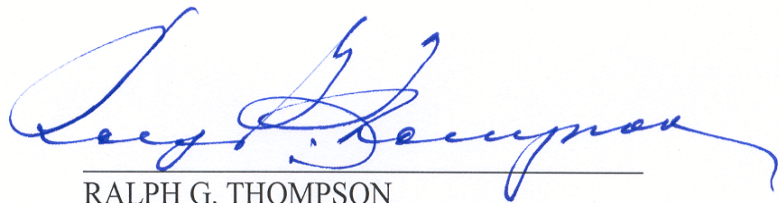
Because plaintiff may take the position that the motions to compel seek some information which is related to the issue of liability or other issues not addressed in the motion for partial summary judgment, the court will permit plaintiff to file an amended motion to compel. If, upon

review, plaintiff determines that defendants have objected to document requests or interrogatories which address issues not resolved by the ruling on defendants' motion, plaintiff may file an amended motion to compel. Prior to doing so, however, plaintiff's counsel is directed to confer with defendants' counsel to attempt to resolve any remaining discovery dispute without court intervention.

If plaintiff determines that an amended motion to compel is appropriate, it should file same no later than 20 days from the date of this order. Defendants' response shall be filed no later than 10 days from the filing of the motion to compel.

Subject to the conditions set forth above, the motions to compel [Doc. Nos. 55 and 57] are denied without prejudice to plaintiff's right to file an amended motion to compel as set forth herein.

IT IS SO ORDERED this 27th of December, 2005.



RALPH G. THOMPSON
UNITED STATES DISTRICT JUDGE